

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Lead Case No. 8:07CV341
)	
Petitioner,)	
)	ORDER
v.)	
)	
KENNETH KOHMETSCHER)	
AS MEMBER OF)	
KEN'S CONSTRUCTION, LLC,)	
)	
Respondent.)	

This matter is before the court on Petitioner's motion for an extension of time to perfect service and for a continuance of the October 5, 2007, hearing in this matter [Filing No. 8]. On September 4, 2007, this Court ordered that if the Respondent filed a written response that denied or controverted the allegations of the petition, a hearing would be held on October 5, 2007, to show cause why the Respondent should not be compelled to comply with an IRS summons [Filing No. 5]. The Court further ordered that Respondent be personally served with the Petition and Order. Id. Upon consideration, and for good cause shown,

IT IS ORDERED that Petitioner's motion to continue hearing and for an extension of time to perfect service is granted. The parties are ordered to appear for hearing in this matter on Tuesday, November 6, 2007, at 8:30 a.m., in Courtroom #3, third floor, Roman Hurska Building, 111 S. 18th Plaza, before the undersigned judge.

IT IS FURTHER ORDERED that a copy of this Order, together with (1) Petitioner's Motion to Continue Hearing and for Extension of Time to Perfect Service; (2)

the Orders to Show Cause dated September 4, 2007; and (3) the Petitions To Enforce IRS Summonses filed August 31, 2007 exhibits thereto [Filing No. 1], be personally served on the Respondent by either a United States marshal, a deputy United States marshal, or by an official of the Internal Revenue Service who is hereby specially appointed for that purpose, within thirty (30) days of the date of this Order and that proof of service as provided for in Fed. R. Civ. P. 4(l) be filed with the Clerk of the District Court within five (5) business days after such service upon Respondent.

IT IS FURTHER ORDERED that within twenty (20) days after service of this order, the Respondent shall file and serve a written response to the petition. If the Respondent has defenses to present or motions to make in opposition to the petition, such defenses or motions shall be made in writing and filed with the Court, and copies served on the United States Attorney. Only those issues raised by motion or responsive pleading shall be considered by the Court. Any uncontested allegations in the petition shall be deemed admitted.

IT IS FURTHER ORDERED that in the event no written response to the petition is filed and served in accordance with this order, or in the event the responses do not deny or controvert the allegations of the petition, the allegations in the petition will be deemed admitted, and the Petitioner may request that an order be entered compelling the respondent to comply with the summonses described in the petition.

IT IS FURTHER ORDERED

DATED this 18th day of September, 2007.

BY THE COURT:

/s Joseph F. Bataillon

JOSEPH F. BATAILLON
Chief District Court Judge